

**IN THE UNITED STATES FEDERAL DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OHIO**

ERIKA KINSEY,	:	CASE NO. 5:21-CV-01627-SL
	:	
Plaintiff	:	JUDGE SARA LIOI
	:	
v.	:	REPORT OF THE PARTIES' PLANNING
	:	MEETING UNDER FED.R.CIV.P.
WATER FOR LIVING, LLC	:	26(f) AND LR 16.3(b)(3)
d/b/a CBD LIVING,	:	
	:	
Defendant	:	

1. Pursuant to Fed.R.Civ.P. 26(f) and LR 16.3(b)(3), a meeting was held on December 21, 2021, and was attended by:

**Corey S. Young, Esq.**  
***Counsel for Plaintiff***

- And

**Anderson J. Duff, Esq.**  
***Counsel for Defendant***

2. Lead Counsel for Plaintiff is: **John I. Nubani, Esq. and Corey S. Young, Esq., of the law firm of Bassi, Vreeland & Associates, P.C.**  
Lead Counsel for Defendant is: **Anderson J. Duff, Esq., of DUFF LAW PLLC.**
3. The parties intend to exchange the pre-discovery disclosures required by Fed.R.Civ.P. 26(a)(1) and the Court's prior order(s) on or before January 14, 2022, pursuant to the Court's Case Management Order, Doc #: 13.
4. The parties recommend the following track: **Standard.**
5. The parties believe that the case may be suitable for one or more Alternative Dispute Resolution ("ADR") mechanisms, including Early Neutral Evaluation

and/or Mediation, after they have had an opportunity to conduct discovery and depose witnesses.

6. The parties do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).
7. Briefly describe the subject of the litigation:

**Plaintiff, Erika Kinsey, is one of the world's top athletes competing globally in track and field events most prominently Women's High Jump. Erika Kinsey finished the 2019 season ranked 2nd internationally and finished the 2020 season ranked 7th internationally. Most recently, she competed in the 2020 Tokyo Olympics.**

**Defendant, Water for Living, LLC d/b/a CBD Living is a global marketer, distributor, and seller of cannabidiol products for public consumption, including drinks, capsules, edibles, tinctures, topicals, and pet products.**

**Plaintiff and Defendant entered into a written Endorsement Agreement with CBD Living "for the provisions of services in the form of marketing and associated advertising assignments ...[.]" Pursuant to the Endorsement Agreement, Plaintiff was to be paid \$5,000 upon signing the contract, and \$12,000 per year for five years starting on January 31, 2020 and continuing until January 31, 2024. Plaintiff alleges that Defendant wrongfully terminated the Endorsement Agreement without cause, and that Plaintiff is entitled to the \$65,000 proceeds due under the Endorsement Agreement. Defendant denies these allegations.**

**Additionally, Plaintiff alleges that even though Defendant terminated the Agreement on or about October 11, 2019, that Defendant continued to use Erika Kinsey's name and likeness as a "Sponsor" to market their products until at least as late as February of 2021. Plaintiff seeks damages in excess of \$75,000, including costs, attorneys' fees, and to disgorge Defendant of its profits under Section 43(a) of the Lanham Act, Ohio's Right to Publicity Statute, and Ohio's Deceptive Trade Practices Statute. Defendant denies these allegations.**

8. Recommended cut-off date for amending the pleadings and/or adding additional parties: **January 29, 2022.**
9. Recommended Discovery Plan:
  - (a) Keeping in mind the proportionality requirements of Fed. R. Civ. P. 26(b)(1), describe the subjects on which discovery is to be sought and the nature and extent of discovery.

- (b) Non-Expert discovery cut-off date: **June 24, 2022**
- (c) Electronic discovery - **the parties have agreed to a method for conducting discovery of electronically-stored information, including the form or forms in which it should be produced.**
- (d) Expert Report Due date for Party with Burden of Proof:  
**July 29, 2022**
- (e) Rebuttal expert report due date: **August 19, 2022**
- (f) Expert discovery cut-off date: **August 26, 2022**
- 10. Recommended Dispositive Motion Plan:
  - (a) Dispositive Motion due date: **September 23, 2022**
  - (b) Opposition to Dispositive Motion due date: **October 7, 2022**
  - (c) Replies in Support of Dispositive Motion Due Date:  
**October 14, 2022**
- 11. Recommended Date for a Status Hearing: **September 14, 2022**
- 12. Recommended Date for a final pre-trial conference:  
**October 10, 2022**
- 13. Recommended Trial Date: **November 14, 2022**
- 14. Other matters for the attention of the Court: **None.**

Respectfully Submitted,

By: /s/ Corey S. Young, Esq.  
John I. Nubani, Esq.  
Corey S. Young, Esq.  
Bassi, Vreeland & Associates, P.C.  
111 Fallowfield Ave., P.O. Box 144  
Charleroi, PA 15022  
*Counsel for Plaintiff*

By: /s/Anderson J. Duff

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*Counsel for Defendant*